

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58384-2022

Date of Decision:-08.02.2023

Pardeep Kumar.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondents.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. G.C. Shahpuri, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.228 dated 22.05.2022 under Sections 420, 406, 467, 468, 471 and 506 IPC and Section 10 of the Immigration Act, 1983 registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

The brief facts of the case are that complainant submitted a complaint against 04 persons, namely, (1) Deepak Singla son of Sh. Pardeep, (2) Jayta Singla daughter of Pardeep, (3) Pardeep son of not known and (4) Kamlesh Rani wife of Sh. Pardeep. As per the allegations the accused were running an office under the name and style of M/s Singla Car Sale Purchase. They were in the business of selling vehicles to people by preparing false and fabricated documents and usurping money. Accused No.1 had obtained 4/5 Sim Cards and had duped people by making telephone calls claiming that he was a senior officer employed in the Central

Government or with a Minister. The accused no.2 had prepared fake letter heads, joining letters, registration certificates of vehicles, Visas, passports and stamps in her laptop. Accused no.3 and 4 had colluded with accused no.1 & 2. A case bearing FIR No.400 dated 02.04.2019 had been registered against them for making fake calls to the Deputy Commissioner, Yamuna Nagar impersonating an officer in a Central Government ministry. Accused no.1 had been challaned a number of times for using a red beacon. The accused no.1 had called him (complainant) to their house and showed him visas of people got issued by him. He was asked to deposit a sum of Rs.10 lacs for a Canadian visa for his wife. Thereafter Rs.40 lacs was demanded for a Visa for him (complainant) and his family. A sum of Rs.5 lacs was paid and thereafter Rs.22 lacs were paid to the accused on different dates. In this way, Rs.27 lacs had been paid by him (complainant) to the accused. On being repeatedly asked, a fake Visa was sent to him (complainant) along with a fake embassy letter. On an inquiry he found that his family had not been issued any Visa for Canada. He (complainant) acted for return of his money but the accused refused to do so.

Based on the aforementioned allegations, the FIR came to be registered.

The counsel for the petitioner contends that the allegations levelled in the FIR are baseless. No specific role has been attributed to the petitioner. Two of the co-accused namely Jayta Singla and Kamlesh Rani have been exonerated while a report under Section 173(2) Cr.PC stands submitted against Deepak Singla, Pardeep Kumar and one Asish. In fact the present case was a counter blast to the case got registered by the co-accused Deepak Singla against the complainant and other accused vide Fir No.134

dated 03.04.2022 registered at P.S. Sector 17, HUDA, Jagadhri. In the three other cases registered against the petitioner, he has been granted the concession of bail vide orders dated 14.12.2015 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri (Annexure A-1), 03.10.2022 passed by CJ(S)/ACJM/Jagadhri (Annexure A-2) and 03.02.2023 passed by a co-ordinate Bench of this Court (Annexure A-3). Therefore, the petitioner was entitled to the grant of bail in the present case, moreso, as the case is triable by the Court of Magistrate.

The learned Counsel for the State on the other hand contends that petitioner is of the main accused. Three other FIRs stands registered against the petitioner. Therefore, his criminal antecedents do not entitle him to the grant of bail.

I have heard learned Counsel for the parties at length.

The veracity of the allegations against the petitioner shall be established during the course of trial. The petitioner is in custody since 29.09.2022. None of the 14 prosecution witnesses have been examined so far. As such the Trial of the present is not likely to be concluded anytime soon. The petitioner is an accused in three other cases and in the said cases, he has been granted the concession of bail vide orders dated 14.12.2015 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri (Annexure A-1), 03.10.2022 passed by CJ(S)/ACJM/Jagadhri (Annexure A-2) and dated 03.02.2023 passed by a co-ordinate Bench of this Court (Annexure A-3). The case is otherwise triable by the court of a Magistrate. As such his further incarceration is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Pardeep Kumar** son of Sh. Ashok Kumar

Aggarwal is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in this order.

In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.3,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 08, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>